



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUL 26 2018

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Occidental Chemical Corporation  
Occidental Tower  
5005 LBJ Freeway, Suite 1350  
Dallas, TX 75244

Attention: Frank Parigi, Esq.  
Vice President and General Counsel  
Glenn Springs Holdings, Inc.

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area Removal  
Administrative Order on Consent, Index No. CERCLA 02-2008-2020  
**Bill for Collection No. 2721826S0026**

Dear Mr. Parigi:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §§ 9601-9675. EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site (the "Site"). In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the Site pursuant to Section 104 of CERCLA.

On June 23, 2008, EPA entered into an Administrative Order on Consent ("Order"), Index No. CERCLA 02-2008-2020, with Occidental Chemical Corporation ("OCC") and Tierra Solutions, Inc. ("TSI") for the performance of a removal action. Pursuant to Paragraph 51 of this Order, OCC and TSI agreed to reimburse EPA for all Future Response Costs, as defined in the Order, paid by the EPA in connection with the removal action from the effective date of the Order.

This letter serves as Bill for Collection No. 2721826S0026 ("Bill"), covering the period from September 4, 2016 through September 30, 2017.

Enclosure A is a narrative statement describing the Future Response Costs paid during the time period covered by the Bill. Enclosure B consists of two itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System ("SCORPIO\$") reports, for the Diamond Alkali Site, site identification number 02-96, Operable Unit ("OU") 00 and OU02 Removal. For the purposes of the SCORPIO\$ reports, OU03 represents the Newark Bay Study Area and OU04 represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the 17-mile Lower Passaic

River Study Area. EPA charges time for the OCC/TSI Removal, OCC Lower 8.3 Mile Remedial Design and EPA-lead work to OU02, but only charges for the OCC/TSI Removal are included in the OU02 Removal SCORPIO\$ report that appears in Enclosure B.

Some personnel charged their time to OU00 to represent time spent equally on all OUs. Therefore, the OU00 costs have been apportioned among OU01, OU02 (OCC/TSI Removal, OCC Lower 8.3 Mile Remedial Design and EPA-lead work), OU03 (Newark Bay) and OU04 (Cooperating Parties Group ["CPG"]-lead 17-Mile Lower Passaic River Study Area RI/FS and CPG-lead River Mile 10.9 Time Critical Removal Action ["TCRA"]), as described in the enclosure. While all OU00 charges are included in the SCORPIO\$ report for OU00 that appears in Enclosure B, this Bill includes only those costs that EPA has apportioned to the OCC/TSI Removal.

EPA certifies that as of September 30, 2017, it has expended at least **\$ 2,521.71** in Future Response Costs in connection with the Removal for the Lower Passaic River Study Area.

As per Section XVI of the Order, payment shall be made within thirty (30) days of receipt of this letter via electronic funds transfer ("EFT"). If payment is not received by this date, a daily interest charge of 0.0024% (0.87% per annum) will be assessed from the first day after the payment is overdue through the date of payment. To make this payment, please instruct your bank to remit payment to EPA via EFT accompanied by the following information:

Amount of payment: **\$ 2,521.71**  
EFT to be directed to: **Federal Reserve Bank of New York**  
Bank routing number: **021030004**  
Bank account number receiving payment: **68010727**  
SWIFT address: **FRNYUS33**  
Address: **Federal Reserve Bank of New York**  
**33 Liberty Street**  
**New York, NY 10045**  
Field tag 4200 of Fedwire message to read (for Fedwire payments):  
**D 68010727 Environmental Protection Agency**  
Name of remitter: **Occidental Chemical Corporation**  
Case number: **CERCLA 02-2008-2020**  
Site name: **Diamond Alkali Superfund Site, Lower Passaic River Study Area**  
Site/spill identifier: **02-96**

To ensure that your payment is properly recorded, you must send either an email or a letter, contemporaneously with the EFT, which references the date of the EFT, the payment amount, the name of the Site, the Site identification number, the case number, and your name and address to the following:

Elizabeth Butler, Remedial Project Manager  
Passaic, Hackensack & Newark Bay Remediation Branch  
Emergency & Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 19<sup>th</sup> floor  
New York, New York 10007-1866  
email: butler.elizabeth@epa.gov

Frances Zizila, Esq., Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17th Floor  
New York, New York 10007-1866  
email: zizila.frances@epa.gov

Jessica Henderson  
U.S. Environmental Protection Agency  
26 West Martin Luther King Drive  
Attention: FINANCE  
MS: NWD2  
Cincinnati, Ohio 45268  
emails: henderson.jessica@epa.gov and cinwd\_acctsreceivable@epa.gov

The United States reserves its rights to recover any costs paid during the time period covered by this accounting but not included in this billing, and all other Future Response Costs paid pursuant to the Order.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA is prepared to discuss its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Elizabeth Butler, of my staff, at (212) 637-4396. Legal inquiries should be directed to Frances Zizila of the Office of Regional Counsel at (212) 637-3135. Thank you for your prompt attention to this matter.

Sincerely yours,



Michael Sivak, Chief  
Passaic, Hackensack & Newark Bay Remediation Branch  
Emergency & Remedial Response Division

Enclosures

cc: Juan P. Somoano, P.G.  
Vice President  
Glenn Springs Holdings, Inc.  
5 Greenway Plaza, Suite 110  
Houston, TX 77046



## ENCLOSURE A

Summary of Costs Paid by EPA  
09/04/2016 through 09/30/2017  
Diamond Alkali Superfund Site, Newark, New Jersey  
Operable Unit Two ("OU02") Lower Passaic River Study Area Removal  
Site ID: 02-96

### **COSTS FROM OU02 REMOVAL SCORPIOS REPORT**

#### Payroll from OU02 Removal report:

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. CERCLA 02-2008-2020 ("AOC"), including review of OCC/TSI technical submissions, meetings and/or conferring with OCC/TSI representatives, internal meetings and conferences concerning the Removal, community relations/outreach and coordination with Partner Agencies. See enclosed Payroll Costs Section of EPA's Itemized Cost Summary.

\$ 783.35

#### Indirect Costs from OU02 Removal report:

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of Site cleanup efforts that are not reflected in direct site costs. Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA Headquarters. See enclosed Indirect Costs Section of EPA's Itemized Cost Summary.

\$ 339.98

Subtotal of Costs for Bill contained in OU02 Removal Report:

\$ 1,123.33

### **COSTS FROM OU00 SCORPIOS REPORT**

#### Payroll from OU00 report:

The OU00 SCORPIOS report includes payroll for OU01, OU02 (OCC/TSI Removal, OCC Lower 8.3 Mile Remedial Design and EPA-lead work), OU03 (Newark Bay) and OU04 (CPG-lead 17 Mile Lower Passaic River Study Area RI/FS and CPG-lead RM 10.9 TCRA). Therefore, these costs were divided evenly among the seven components.

[\$6,826.11 / 7]

\$ 975.16

Technical and Analytical Support Services from OU00 report:

These costs consist of "SRA International, Inc." charges for contractor support for Community Advisory Group (CAG) facilitation. These costs were not related to EPA oversight of work performed on OU02 Removal.

\$ 0.00

Indirect Costs from OU00 report:

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of Site cleanup efforts that are not reflected in direct site costs. Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA Headquarters. See enclosed Indirect Costs Section of EPA's Itemized Cost Summary.

*Indirect Costs from OU00 Report apportioned to OU02 Removal [\$2,962.56 / 7]:* \$ 423.22

Subtotal of Costs for Bill contained in OU00 Report: \$ 1,398.38

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Subtotal of Costs for Bill contained in OU02 Removal Report: \$ 1,123.33

Subtotal of Costs for Bill contained in OU00 Report: \$ 1,398.38

**OU02 OCC/TSI Removal Bill for Collection Amount:** \$ 2,521.71